

Date of Meeting: October 17, 2006

**LOUDOUN COUNTY BOARD OF SUPERVISORS
JOINT FINANCE/GOVERNMENT SERVICES AND PUBLIC SAFETY COMMITTEE**

**INFORMATION ITEM
BOARD MEMBER INITIATIVE**

1

SUBJECT: Cost-Effective Compliance with the 287(g) Program

INITIATED BY: Committee Chairman, Eugene Delgaudio

ELECTION DISTRICT: Countywide

BACKGROUND:

At the request of Committee Chairmen Eugene Delgaudio and Jim Clem, an information item is presented to the Finance/Government Services and Public Safety Committees on Section 287(g), an amendment to the 1996 Immigration and Nationality Act. This amendment authorizes qualified personnel to perform certain functions of an immigration officer.

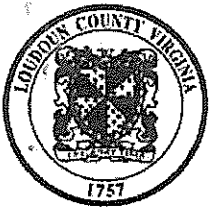
Sheriff Simpson has been invited to attend the joint committee meeting to discuss potential participation in this program.

Information for this discussion was prepared by Committee Chairman Eugene Delgaudio.

Contact: Donny Ferguson, Staff Aide to Supervisor Delgaudio

ATTACHMENTS:

1 – Letter to Sheriff Simpson, dated September 12, 2006 with attachments.



Supervisor Eugene A. Delgaudio

Loudoun County Board of Supervisors – Sterling District
Chairman, Finance & Government Services Committee

September 12, 2006

Sheriff Steve Simpson
Loudoun County Sheriff's Department
39 Catoctin Circle
Leesburg, VA 20175

Ref: Cost-effective compliance with the 287(g) program

Sheriff Simpson:

On July 25, 2006, "The Loudoun Times-Mirror" reported that documents released by the legal group Judicial Watch show in January of 2004 the Department of Homeland Security invited the Loudoun County Sheriff's Department to participate in the Bureau of Immigration and Customs Enforcement's "287(g) cross designation training."

According to an August 3, 2006 memorandum released by Herndon Police Chief Colonel Touissant Summers, the program was created by Congress in 1996 and allows participating state and local law enforcement agencies to enforce federal immigration laws in certain circumstances.

The Times-Mirror reported your department initially declined to participate, citing concerns the program would "pull resources that are already set forth to protect the day-to-day quality of life issues of the community they serve."

I certainly appreciate the need to control costs and not burden deputies with work federal agencies refuse to do. Your deputies do an amazing job, as seen with the quick arrests of those responsible for four drive-by shootings in Sterling. I do not wish to take away from their ability to work in the field.

However, given the problem of gang crime in our area, and the fact that according to Fairfax County's June 2004 "Account of Day Laborers in Fairfax County" of those using illegal alien job centers like the one in Herndon, 85.1 percent do so because of a "lack of documents" (Table 7,) proactive steps must be taken to curb illegal alien activity in Loudoun County.

Additionally, the recent arrest in Ashburn of Juan Elias Rodriguez-Luna, an alleged MS-13 gang member and escaped murderer from an El Salvadoran prison, gives me concern that other foreign criminals may be seeking, or will seek, refuge in our community.

While immigration officials were aware he was in the area, I am concerned about the arrestees whose background we are not aware of.

That is why my office has reviewed the memo prepared by Col. Summers, looking for an effective, cost-efficient way to work with the Department of Homeland Security in identifying criminals who are in this county illegally.

I propose a model allowing participation in the program, at a reasonable cost, without distracting your hard-working deputies from their essential duties.

Rather than have hundreds of field deputies to travel to Georgia, or attend training elsewhere, I propose your department mandate 287(g) authority training only for the few, eligible, personnel who process arrestees at the Adult Detention Center.

The Arizona Department of Corrections, and Los Angeles and San Bernadino counties in California, have adopted this focused and cost-effective model.

This would not pull field deputies from protecting the day-to-day quality of life issues of the community they serve or cost taxpayers an outrageous sum.

Additionally, by giving authority to ADC personnel dealing with suspects arrested for unrelated crimes, it assures citizens they can deal with field deputies with no fear of arrest for suspected immigration violations on the basis of appearance or accent.

Deputies would maintain their trustworthiness with the very community that is so often the victim of crimes committed by illegal aliens.

It also guarantees every arrestee appear before someone with the authority to identify and detain illegal aliens and allow processing for immigration violations to begin immediately.

I also suspect transferring undocumented arrestees out of Loudoun County's detention system may eventually recover some, if not all, of the costs of investing in the program.

However, in order to determine the total costs of this proposal, and any potential net savings to the taxpayer, more information is needed.

I am respectfully writing to request answers to the questions below.

This, and other, information will help me determine whether such a model will effectively serve our community, enforce our laws and combat the problem of illegal immigration.

- 1) How many employees process arrestees in the ADC?
- 2) How many of these are eligible to receive 287(g) authority training?
- 3) How much would it cost the county to send an employee to Glynnco, Georgia to receive training?
- 4) Realizing that instructors and materials can be provided at no cost, how much would it cost the county to have ICE personnel administer the course here?
- 5) How many "in the field deputies" are employed by the department?
- 6) How many, if not all, are eligible to receive 287(g) authority training?
- 7) Following the model of question 4, how much would it cost to have every field deputy go through 287(g) authority training?
- 8) What continuing education or re-certification is required?
- 9) What compliance costs are involved?
- 10) How much would that cost per year, per officer?
- 11) How much does it cost the taxpayer to house an arrestee? For example, how much does it cost to process an arrestee, how much does it cost to detain an arrestee for a day, and what is the average number of days an arrestee is in the ADC?
- 12) How many arrestees cannot provide documentation on their citizenship or alien status, or appear to be of a transient nature? I realize most are legal citizens, but it could give perspective on the size of a potential problem.
- 13) Of these, how many are arrested more than once and represent additional costs to taxpayers?
- 14) How much would it cost, in total, to transfer an illegal alien in custody to ICE for deportation?
- 15) Do you believe this authority would diminish activity from gangs like MS-13 in our county, given the likelihood that any member arrested who is also suspected of violating immigration

laws would be handed over to federal authorities for additional prosecution and deportation?

Given the budgetary nature of some of these questions, a copy of this letter will also be delivered to County Administrator Kirby Bowers, Assistant County Administrator John Sandy, Budget Manager Ari Sky, and the other members of the Board of Supervisors

I understand your tremendous workload, but would appreciate a written response from your office prior to our October 24th Board of Supervisors business meeting, where I would like to discuss this issue at a joint meeting of the Finance & Government Services and Public Safety committees.

Thank you for your dedicated and effective service to our community. Please extend my best wishes and sincere thanks to your deputies as well.

Sincerely,



EUGENE A. DELGAUDIO
Sterling District Supervisor
Chairman, Finance & Government Services Committee

EAD/def

Attachments - (1) "Police reject training," Loudoun Times-Mirror, July 25, 2006
(2) August 3, 2006 memorandum from Herndon Police Chief Col. Toussaint Summers
(3) "An Account of Day Laborers in Fairfax County," Fairfax County Department of Systems Management for Human Services, June 2004

Cc: Loudoun County Administrator Kirby Bowers
Assistant County Administrator John Sandy
Budget Manager Ari Sky
Loudoun County Board of Supervisors

TimesCommunity.com

Your weekly newspaper, daily

07/25/2006

Police reject training

By: Gregg MacDonald

The legal watchdog group Judicial Watch recently released government documents indicating that some law enforcement agencies, including several in Virginia, have declined to participate in a program that would allow them to enforce federal immigration laws. Judicial Watch obtained the documents from the Department of Homeland Security through the Freedom of Information Act.

The documents list a number of specific police agencies that are not participating in the program, including the Virginia State Police, Loudoun County Sheriff's Office and the Town of Herndon Police Department.

Advertisement

Since an initial invitation to participate in January 2004, these three localities have failed to follow through, according to the Homeland Security document. Former Gov. Mark Warner (D) "wouldn't approve the MOU [memorandum of understanding] for the State Police, no contact with Loudoun County or Herndon since initial phone conversations," the document states.

How it works

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act authorized the U.S. attorney general to enter into an agreement with a state or locality to train officers to enforce federal immigration laws. The Secretary of Homeland Security now oversees this program, according to the released documents.

Local law enforcement officers can receive immigration enforcement training-called "287(g) cross designation training"--through the Bureau of Immigration and Customs Enforcement (ICE), which is part of Homeland Security.

The cost for the five-week program is about \$500 per officer, "including student handouts, workbooks, training materials and law books."

The program is voluntary. Once a police agency applies and gets approval, ICE and the agency create a memorandum of understanding to outline the specific responsibilities appropriate for the law enforcement group's needs and capabilities. ICE then develops a specialized training course for that agency, focusing on immigration law, civil rights, intercultural relations and the issues surrounding racial profiling.

After completing the course, officers receive certification from ICE that allows them special authority regarding immigration violators. After certification, ICE continues to provide supervision and support to officers, providing access to the national database for help in determining whether a suspect is an immigration violator.

Why police said 'no'

Virginia State Police spokesperson Corrine Geller said that, at the time the agency was invited to sign the program agreement, Springfield Del. David Albo (R-42nd) had just introduced House Bill 570, which also addressed the enforcement of immigration laws by all law enforcement officers.

The bill was approved, so state police superintendent Col. Steve Flaherty decided there was no reason to enter into an agreement with ICE, Geller said.

Asked if Flaherty recommended that Warner decline the agreement, Kevin Hall, press secretary to both Warner and current Gov. Tim Kaine (D), replied, "That is my recollection."

Albo's 2004 bill, now state law, has a more limited scope of immigration enforcement than the agreements with ICE. It states that police may arrest illegal immigrants who are suspected of committing a crime and have a prior felony conviction. The immigrants can then be detained for up to 72 hours without being charged with a crime for transfer to federal authorities.

Albo also was among the patrons of a failed bill in this year's session that would have forced the governor to enter into an immigration enforcement agreement with federal officials.

The ICE program provides state and local law enforcement with the authorization to identify, process and detain immigration offenders they encounter during daily law enforcement activity, regardless of whether a crime is occurring or has been committed by that individual.

Law enforcement officials also said they do not necessarily want the authority to enforce immigration laws.

Geller said the state police are already stretched thin and were afraid that immigration sweeps could damage relationships with the state's Latino population.

"Tackling issues and laws already authorized for enforcement by the federal government could overburden a local agency," said Loudoun County Sheriff's Department spokesman Craig Troxell. "This would pull resources that are already set forth to protect the day-to-day quality of life issues of the community they serve."

Likewise, Herndon Police Chief Toussaint Summers said, "We're waiting to see what the state police do on this. We are too small an agency to do this on our own."

Critics' response

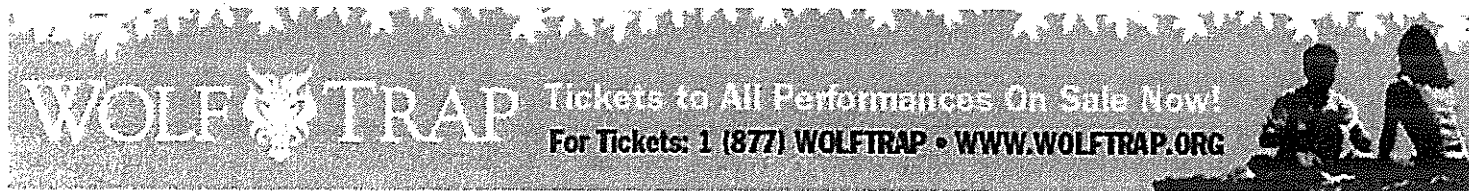
"Some local law enforcement agencies claim they lack the ability to enforce our nation's immigration laws. These documents prove that claim false," said Judicial Watch President Tom Fitton. "Local communities that want to help enforce immigration laws can do so legally and cost-effectively."

We open doors
in your
neighborhood.

Fitton cited examples from the report of successful enforcement in Alabama, Arizona, California and Florida. Officers trained by ICE have made 820 immigration-related arrests since the program began in 2002, according to the documents.

"This is a sensitive issue, and politicians are just protecting their political careers," said Phil Jones, head of Help Save Herndon and Help Save Virginia, which support stricter local and national controls on immigration.

"Unfortunately, those political careers are often not in line with the people of the communities they represent," Jones said.

A horizontal banner for Wolf Trap. On the left, the words "WOLF TRAP" are written in a large, stylized font with a wolf head silhouette between the words. To the right of the text, it says "Tickets to All Performances On Sale Now!" and "For Tickets: 1 (877) WOLFTRAP • WWW.WOLFTRAP.ORG". On the far right, there is a small black and white photograph of two people sitting on a grassy area.

WOLF TRAP Tickets to All Performances On Sale Now!
For Tickets: 1 (877) WOLFTRAP • WWW.WOLFTRAP.ORG

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TOWN OF HERNDON, VIRGINIA

MEMORANDUM

TO: Steve Owen
Town Manager

DATE: August 3, 2006

FROM: Toussaint E. Summers, Jr., Colonel
Chief of Police 

FILE: 5000

SUBJECT: Immigration Enforcement Authority

REF: Town of Herndon Police Officers Delegated Immigration Enforcement Authority
under 287(g) of the Immigration and Nationality Act

Recent articles incorrectly reported that the Herndon Police rejected immigration training. The purpose of this memorandum is to provide information for future discussion regarding the above subject. Staff has been in contact with the Bureau of Immigration and Customs Enforcement (BICE) to evaluate the merits of 287(g) of the Immigration and Nationality Act.

Based on initial assessment of 287(g), it appears that the Herndon Police Department could benefit from the additional training but would realize very limited arrest/enforcement authority. The current focus of 287(g) is to enforce immigration laws on criminals who are in a custodial environment. This assertion is supported by the review of current Memorandums of Understanding of law enforcement agencies that currently operate under 287(g) and the fact of the current eight law enforcement agencies that participate, two are law enforcement task forces and the other six agencies are jails.

BACKGROUND

The United States Congress passed Section 287(g) as an amendment to the 1996 Immigration and Nationality Act. The amendment authorizes the Secretary of the Department of Homeland Security to authorize qualified personnel to perform certain functions of an immigration officer. The initiative is designed to effectively multiply the forces of Immigration and Customs Enforcement (ICE) through enhanced cooperation and communication with state and local law enforcement. Under 287(g), ICE provides state and local law enforcement with the training and subsequent authorization to identify, process, and detain immigration offenders they encounter during their daily law-enforcement activities.

While police officers, in connection with a state or local criminal investigation, may investigate, apprehend, or detain illegal immigrants, they cannot deport the illegal immigrant. To be deported federal officers must take jurisdiction over the person from the state or local officers. Such

agreements empower state agencies and local governments to assist the federal government in preparing illegal immigrants for deportation. Several states have entered into memorandums of understanding with ICE to begin the deportation paperwork for illegal immigrants in the custody of their corrections systems

While enforcing immigration law is primarily a federal responsibility, 287(g) provides a mechanism for enlisting the help of state and local law enforcement entities in this effort with minimal impact on their normal daily routines and responsibilities. To better understand the authority delegated by ICE under the 287(g), the memorandums of understanding for several agencies were reviewed. The following is a synopsis of each reviewed MOU:

State of Florida

Florida's MOU with ICE indicates officers are only allowed to enforce immigration laws in conjunction with ongoing domestic security investigations. Such officers must specifically work as part of the state's Regional Domestic Security Task Force. Florida's MOU does not allow officers to enforce immigration laws during the course of their regular duties. (Refer to Attachment 1)

Alabama Department of Public Safety

The Alabama Department of Public Safety's MOU allows troopers, during the course of their regular duties, to question, detain, and arrest individuals who are in the U.S. unlawfully. The MOU indicates that troopers will not be conducting immigration-related raids on businesses or workplaces. (Refer to Attachment 2, which contains a news release)

Los Angeles County Sheriff's Department

The Los Angeles Sheriff's Department's MOU allows specially trained personnel to perform certain functions of an immigration officer within the Los Angeles County Jail facilities. Deputies assigned outside the jail facilities will not be allowed to enforce immigration laws. (Refer to Attachment 3)

San Bernardino County Sheriff's Department

The San Bernardino County Sheriff's Department's MOU allows nominated personnel, who have successfully passed the ICE background and training programs, to perform certain functions of an immigration officer within the San Bernardino County Jail facilities. These specified functions are interrogation to determine probable cause for an immigration violation, completion of required criminal alien processing, preparation of affidavits and taking of sworn statements, preparation of immigration detainers, authority to prepare charging documents, and transportation of aliens under arrest. (Refer to Attachment 4)

Arizona Department of Corrections

The Arizona Department of Corrections plans on allowing selected personnel to perform certain functions of an immigration officer. These functions are interrogation to determine probable cause for an immigration violation, completion of required criminal alien processing, preparation of affidavits and taking of sworn statements, preparation of immigration detainers and preparation of a Notice to Appear or other removal-charging document. (Refer to Attachment 5)

Orange County Sheriff's Department

The Orange County Sheriff's Department is still working on developing a final proposal and MOU with ICE. Included is a copy of a draft proposal as well as some media articles. (Refer to Attachment 6)

PROGRAM STRUCTURE

Section 287(g) is a voluntary program in which state or local law enforcement agencies or government departments can participate. Interested agencies must submit a letter from the Chief of Police or Sheriff, and the Town Manager or Mayor to the Assistant Secretary listed below requesting participation into the program.

Assistant Secretary Julie Myers
US Immigration and Customs Enforcement
425 I St. N.W. Room 7100
Washington, DC 20536

Once accepted into the program, a Memorandum of Understanding (MOU) is created to outline the specific law enforcement group's needs and capabilities. ICE develops a specialized training course (typically five weeks for street officers/detectives) for that group that focuses on immigration law, civil rights, intercultural relations, and the issues and illegalities surrounding racial profiling. The training is held at the federal law-enforcement training center in Glynnco, Georgia, a site located at another agency's facility elsewhere in the country, or a local site provided by the requesting agency. The training program is a pass/fail and attendees must achieve a seventy percent in all courses. ICE will provide the instructors and training materials at no cost to the requesting agency. Upon the successful completion of the course, including passing all related examinations, officers receive official certification from ICE that empowers special authority regarding immigration violators called "287(g) authority." After certification, ICE continues to provide supervision and support, helping officers to determine the appropriate response once they determine a suspect to be an immigration violator.

IMPLEMENTATION

In order to begin to enforce federal immigration laws per 287(g), the Herndon Virginia Police would be required to send a request to ICE. Once the request is received and accepted, a memorandum of understanding would be necessary to establish the roles, responsibilities, and liabilities of the respective agencies. The Designation of Functions section of the MOU will dictate the functions that

may be performed by participating personnel along with the associated authorities (refer to attachment 1) Once all parties agree on a MOU, the officers would need to be trained. The participating officers must meet the following requirements:

- Must be a U.S. Citizen
- Must be able to obtain DHS clearance (agency clearance is accepted)
- Must successfully complete the training 287(g) program
- Officers must have at least two years experience
- No pending disciplinary actions

The officers selected for the assignment would attend the five week training at the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia, or at a site near Costa Mesa, California, or at a site outside the local area. Representatives from ICE plan to meet with Virginia Governor Tim Kaine at the end of August 2006 to discuss state and local law enforcement involvement. If enough agencies agree to participate then training could be offered in Virginia. The Herndon Police Department will be responsible for paying the expenses of the officers to attend (travel, per diem, etc.), while the cost of the instructor and all materials will be covered by ICE. The ICE Training Division will certify in writing to the ICE Special Agent in Charge in Atlanta, Georgia, the names of those personnel who successfully complete training and pass all required testing. The certification lasts indefinitely and does not require any recertification. ICE will keep the department advised of any updates and provide the necessary training and documentation.

Subjects arrested on any immigration violations would have to be transported to a custodial facility that can hold them for a maximum of seventy two hours. The Fairfax County Sheriff's Department advises that subjects that need to be held on federal charges would fall into the category of a "courtesy hold," and the arresting officer must contact the on-duty supervisor for approval. If approval is denied, then the officer would need to contact nearby facilities such as Arlington or Alexandria for detention space, or travel to Rappahannock which is a seventy two hour facility located fifty-six miles from Herndon. Forms for processing will be provided to the department at no cost, and will vary depending on the functions agreed upon. An electronic photo and live scanning are requirements for processing, and these capabilities exist at the Fairfax County ADC, although participation in the 287(g) may warrant that electronic equipment be provided to agencies if needed.

Once turned over to a custodial facility, arresting officers have up to forty eight hours to present the arrested subject with a charging document, and then ICE arranges pick-up the subject. Arresting officers would have no requirement to appear in federal court, and reports and supporting documentation will suffice to the court as testimony.

Implementation would require the Department to update applicable policies and general orders to document added duties and responsibilities.

BENEFITS/LIMITATIONS

- o The gang task force detective currently is active in the enforcement of immigration laws on gang members, but must summon an ICE agent to initiate the process. What 287 (g) would

do is allow the initial process to begin without the aid of ICE, though they would need to be notified as soon as possible to monitor the process.

- It should be noted that the intent of the authorization under the amendment is to combat criminal activity and to apprehend serious offenders, and is not related to overcrowding violations or day laborer site issues. Officials note that the program only works when offenders are taken into custody for serious offenses, or when repeat offenders or gang members are held in custody for violations.
- If a subject is taken into custody for a local offense, and then federal immigration charges are attached, the federal charges would supersede the local charges, and there is a chance that a conviction on the local crime would be lost.
- Only a small number of agencies have taken advantage of 287 (g), but most related that there has been minimal citizen discontent resulting from their officers enforcing immigration laws in the normal performance of their duties.
- With a minimal understanding of the intent and authority of the authorization under this legislation, how will Herndon residents react when it is reported that police officers now have the authority to enforce immigration laws? Many citizens will expect officers to use this new authority on illegal subjects waiting at or near day laborer sites (official or non-official), and when they do not, the same question which is currently being raised will be asked, "Why don't you do something about them, you know they are illegal?" If the program is taken on, it should be made clear that the added expense of training and preparation will not affect the issues of overcrowding or day labor, and that the only benefit will be in regards to apprehending serious offenders and gang members that are illegal immigrants.
- Most police chiefs do not support giving police officers immigration enforcement duties because they believe it would create fear among immigrants and result in less reporting and an increase in unsolved crimes. Ironically, because communication, partnering and trust are so important when solving crimes, the scenario might actually reduce deportation rates when community members hesitate to contact the police.

OPTIONS

- Continue to operate Under the Code of Virginia, 19.2-81.6, which empowers officers with the authority to enforce immigration laws of the United States. Any law enforcement officer may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual (i) is an alien illegally present in the United States, and (ii) has previously been convicted of a felony in the United States and deported or left the United States after such conviction.
- Enter into an agreement with BICE to participate in 287(g) initiatives. Further evaluation will

be needed to anticipate the impact on current service delivery. The potential number of manhours that such participation would require cannot be determined at this time.

- o The current focus of 287(g) is to enforce immigration laws on criminals who are in a custodial environment. Request that Fairfax County Adult Detention Center take on this assignment. By tasking the Fairfax County Sheriff's Office with enforcing 287(g), the legislation would more readily work because subjects that come into the custody of the sheriffs at the ADC are already in custody. The entire Fairfax community would benefit by having deputies trained at the jail to enforce immigration laws, which might alleviate the issue of citizen reluctance to contact police officers because of their immigration enforcement authority. By putting the responsibility on deputies, citizens might be less likely to fear calling the police for emergency assistance, and because deputies are at the jail, processing for immigration violations would begin immediately when they are discovered.

TES/MJW/tkc

Attachments

June, 2004



Day Laborer Survey

An Account of Day Laborers in Fairfax County



*Department of Systems Management
for
Human Services*

.....

STATE OF TEXAS, COUNTY OF DALLAS, CITY OF DALLAS

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Fairfax County Day Laborer Survey

An account of Day Laborers in Fairfax County

EXECUTIVE SUMMARY

This report summarizes data gathered from the 2003 Fairfax County Day Laborer Survey. Day laborers, or *jornaleros*, include workers that gather at street corners, parking lots, strip malls, community centers, or official hiring sites seeking daily or hourly employment from numerous employers.¹ Results presented in this report are preliminary and will subsequently be included as part of a larger study. The purpose of this survey was to collect information about Fairfax County's day laborer population to assist county and community leaders in developing strategies to manage day laborer issues.

The survey was conducted from September 15, 2003, to October 29, 2003, at four sites in Fairfax County where day laborers gather to wait for work: Annandale (Hummer Road), Culmore, Herndon, and Springfield. Sites were identified by the Fairfax County Police Department and staff from the Department of Systems Management for Human Services (DSMHS). The survey was grouped into six sections:

Demographic Information

- Day laborers in Fairfax County are younger Hispanic men. Almost two-thirds are between 18 and 35 years of age, and the majority reside in Fairfax County with family or friends. Most live within a few miles of the site where they were interviewed.

Day Laborer Site Information

- Almost 60 percent of respondents have been coming to work at the site for less than one year. Most respondents walk to the site where they look for work. The average distance to the site from their place of residence is 2.4 miles.

Types of Work Performed

- Most day laborers work several types of jobs, including positions in construction, landscaping, painting, and janitorial work. Most respondents look for work five to seven days per week, and many have second jobs. Day laborers are hired by different types of employers; these include contractors, other day laborers, and private homeowners.

Day Laborer Work

- Most have worked as day laborers for less than three years and prefer permanent employment, but documentation, language, and transportation issues prevent this.

Problems Day Laborers May Experience

- Problems experienced by day laborers include lack of breaks, non-payment, or insufficient payment by employers.

Earnings and Work Conditions of Day Laborers

- Most respondents earn between \$7 and \$15 per hour, although this may vary by the type of job and season of the year.

1. PURPOSE, IMPORTANCE, AND SCOPE

The purpose of this survey was to gather data about Fairfax County's day laborer population. No one can say with any certainty how many day laborers there are in Fairfax County, but the number of persons searching for work at the four day labor sites studied has grown in the past decade. The informal sites where day laborers congregate to find work are increasingly the focus of public attention. Often these sites are sources of increased complaints to the police or other County officials for public safety issues such as increased traffic and unhealthy behavioral issues. In addition, commercial enterprises argue that groups of day laborers waiting outside of their businesses may cause customers to avoid their businesses.

Conditions under which day laborers work are also a source of concern to public officials. Day laborers are working in some of the most dangerous and otherwise hard-to-fill jobs such as construction, painting, and gardening or landscaping (Valenzuela 1999). Given the temporary nature of day labor work and the possibility that workers are not receiving adequate training or taking safety precautions, day laborers are particularly at risk. A 2002 General Accounting Office report found that day laborers are particularly vulnerable because they have few job options, so employers are more likely to take advantage of or exploit them.¹¹ Research also shows that day laborers are vulnerable financially, and are frequently underpaid or not paid, abandoned at job sites, or otherwise mistreated.

All of these factors contributed to the need for Fairfax County to study the day laborer issue. For this study, day laborers at the Annandale (Hummer Road), Culmore, Herndon, and Springfield sites were interviewed. Given the nature of day labor work, it is not possible to draw random samples from sites. Respondents were chosen at the convenience of the interviewers. Although convenience samples are not usually as accurate as probability samples, the reliability of the data is high due to the nature of the population sampled because the majority of the respondents tend to be at the site every day and every attempt was made to include all those present. Additionally, questions in the Fairfax County Day Labor Survey were similar to those in other studies so that results could be compared between sites as well as to conclusions in other research.

2. BACKGROUND AND OTHER RESEARCH

An initial survey of day laborers was conducted by Fairfax County staff in 2000. This survey was followed by a learning circle in the spring of 2002.¹¹¹ The learning circle was hosted by the Department of Systems Management for Human Services and included Fairfax County staff, business owners, civic leaders, day laborers, faith group leaders, nonprofit service providers, and Fairfax County Public Schools representatives.

Members of the learning circle recommended that Fairfax County staff collaborate with the community to develop county wide strategies to manage emerging day laborer issues. Subsequently, a cross-agency workgroup was chartered to collect information on issues related to day laborers in Fairfax County and to develop a set of recommendations for county officials to consider. The survey on which this report is based was commissioned in order to provide more in-depth information about the characteristics of the day laborer population specific to Fairfax County. Although this study focuses on collecting information about Fairfax County's day laborer population and their working conditions, many opportunities for further research exist.

3. METHODOLOGY AND SURVEY DESIGN

No officially designated day laborer sites exist in Fairfax County, and debate exists on what identifies a location as a day laborer site. Some criteria used to distinguish what constitutes a day laborer site include the number of workers that gather daily looking for work, media attention given to the site, and public complaints to the police and elected officials about the site. In this study, sites were identified by the Fairfax County Police Department and staff from the Department of Systems Management for Human Services. The identified sites for interviews to be conducted included Annandale (Hummer Road), Culmore, Herndon, and Springfield. These sites are also known to county officials as being the largest and most active day laborer gathering areas in Fairfax County.

From September 15, 2003, to October 29, 2003, a team of seven interviewers surveyed 201 day laborers at four day laborer sites in Fairfax County. Face-to-face interviews were conducted by interviewers with Spanish language expertise. Surveys were conducted on two different days of the week at each site between the hours of 6:30 a.m. and 11 a.m. Interviewers included staff from the Department of Systems Management for Human Services, Department of Community and Recreation Services, the Fairfax County Fire and Rescue Department, and a member of Reston Interfaith employed as a liaison with day laborers at the Herndon site. Prior to conducting the survey, interviewers received training focusing on potential validity and reliability issues due to variations in the Spanish language among Spanish-speaking countries and regions as well as other cultural issues.

Since the majority of day laborers are Hispanic, the survey was administered in Spanish. All but one interviewer was a native Spanish speaker. The survey was pretested by both native Spanish and English speakers, and survey questions were printed in both languages. The survey utilized basic language and included terms in both Spanish and "Spanglish" (a hybridization of Spanish and English), where appropriate, to ensure that questions were fully understood by respondents.

Questions were grouped into six sections. Because of time and budget constraints, the survey utilized mostly closed-ended multiple choice questions, although an optional response category for "other" responses was included with each question. The six survey sections included questions about sites where Fairfax County day laborers go to find work, the types of work day laborers perform, reasons for pursuing day laborer work, problems day laborers experience, earnings and work conditions, and services requested by day laborers. The survey also collected basic demographic data from respondents.

4. SURVEY FINDINGS

A total of 201 respondents were interviewed from four separate day laborer sites. (See Table 1.)

TABLE 1. Respondents by Site		
Site	Freq.	Percent
Culmore	50	24.9%
Herndon	62	30.8%
Hummer Road	52	25.9%
Springfield	37	18.4%
Total	201	100.0%
Source: Department of Systems Management for Human Services.		

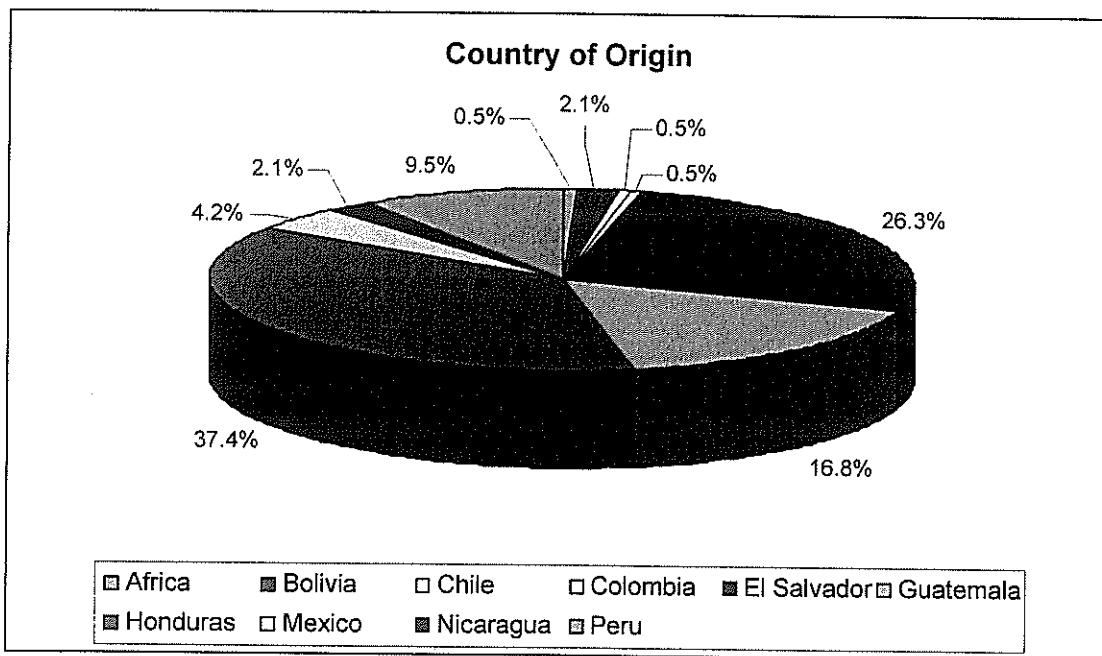
4.1 Profile of the Day Laborers in Fairfax County

Age

- Day laborers in Fairfax County tend to be younger men. During the days that interviews were conducted, no women were present at the sites. Almost two-thirds (65.6 percent) of respondents are between 18 and 35 years of age, and the average age reported is 32.9 years. Most of remaining respondents (30.7 percent) are between 36 and 50 years of age, and less than 5 percent are over 50 years of age. There is little variation in respondent age by site.

Country of Origin

- All but one of the day laborers at the four sites studied in Fairfax County were Hispanic. The remaining respondent listed country of origin as "Africa." Over 80 percent of respondents are from Central America (37.4 percent from Honduras, 26.3 percent from El Salvador, 16.8 percent from Guatemala, and 2.1 percent from Nicaragua). South American countries of origin reported include: Peru (9.5 percent), Bolivia (2.1 percent), Chile (0.5 percent), and Colombia (0.5 percent). The remaining 4.2 percent of respondents were from Mexico.



Source: Department of Systems Management for Human Services

Place of Residence

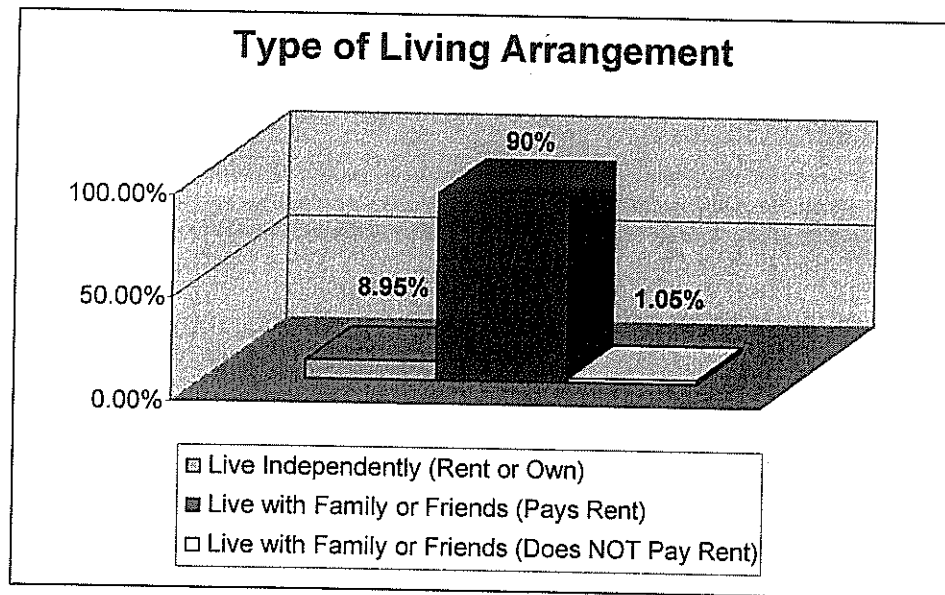
- The majority of respondents (over 90 percent of respondents who provided zip code information) reside in Fairfax County. Only 15 respondents reported living in zip codes outside of Fairfax County (one each in Catlett, Sterling, Leesburg; six in Arlington; four in Alexandria; and two in the City of Falls Church). The majority of respondents live within walking distance of the site where they were interviewed.
- The respondents were asked about their primary mode of transportation. Most respondents live within a few miles of the day laborer site where they were interviewed. Of all of the respondents, two-thirds walk to the site. The average distance to the site for those that walk is less than one mile. For those respondents that drive or use public transportation to go to the site, the average distance is 4.9 miles. On average, respondents reside 2.4 miles from the day laborer site where they work. (See Table 2.)

TABLE 2.
Average Distance from Site
By Mode of Transportation, by Site

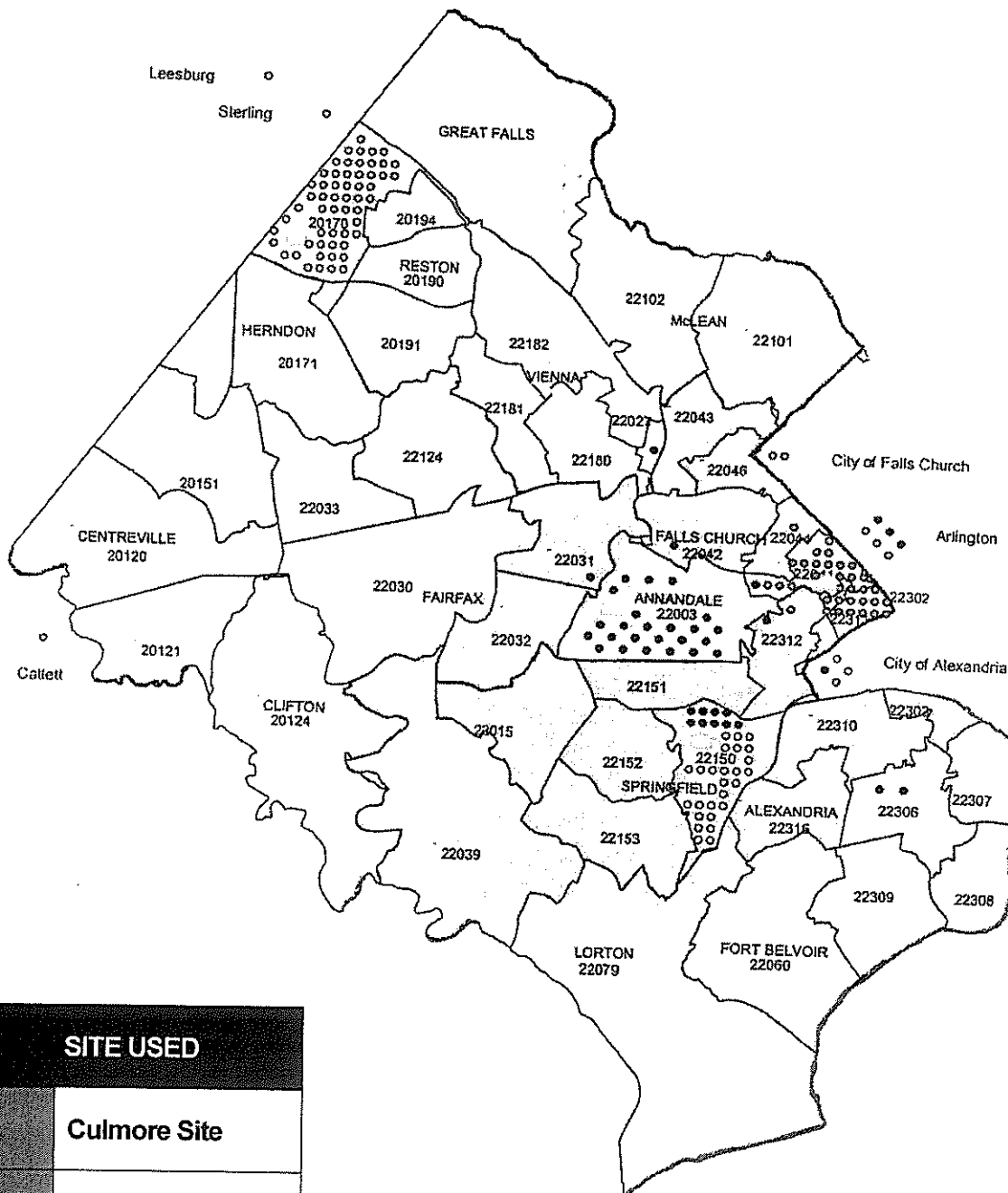
Site	Average Distance (miles)		
	Walk	Car, Bus, or Metro	All Respondents
Culmore	0.70	4.98	1.73
Herndon	0.95	5.18	1.68
Hummer Road	0.64	7.50	4.54
Springfield	0.85	2.21	1.15

Source: Department of Systems Management for Human Services.

- When asked about their living arrangements, the majority of respondents (90.0 percent) reported they rented a room with family or friends; 8.9 percent reported living on their own (rent or own); and the remaining 1.1 percent of respondents reported that they lived with family or friends without paying rent. No other living arrangements were reported by respondents.



SITE USED	
	Culmore Site
	Herndon Site
	Hummer Road Site
	Springfield Site

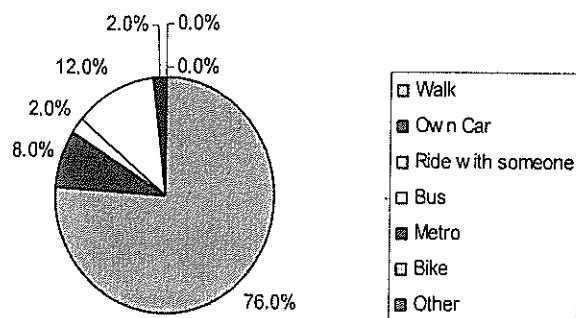


4.2 Transportation to the Site

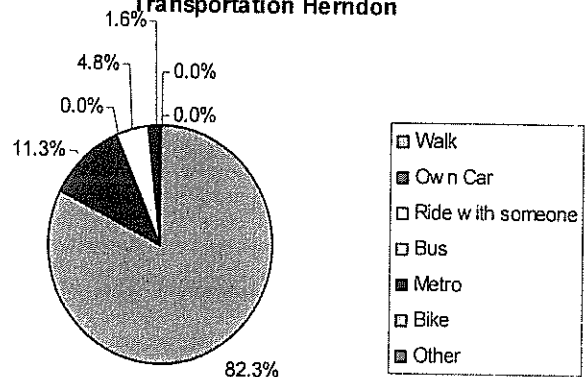
Most respondents (68.8 percent) reported that they walk to day laborer sites. Over 90 percent of respondents are county residents. Three quarters or more of respondents at the Culmore (76.0 percent), Herndon (82.3 percent), and Springfield (74.3 percent) sites reported that they walk to the site, compared with only 42.3 percent of respondents from the Hummer Road site. On average, respondents at the Hummer Road site reported walking a little over half a mile (0.6 miles) to get to the site, slightly less than workers at the Culmore site (0.7 miles). Respondents at the Springfield and Herndon sites walked longer distances (0.8 miles and 0.9 miles, respectively).

The Hummer Road site differs from the other three sites because a much larger proportion of workers use the bus as transportation to get to the site. Only 20 percent of total respondents reported taking a bus to the day laborer site where they were interviewed; however, of those who reported using the bus to go to the site, two-thirds were interviewed at the Hummer Road location. Only two of the day laborers at the Hummer Road site indicated that they travel in their own car; another two indicated that they ride to the site with someone else.

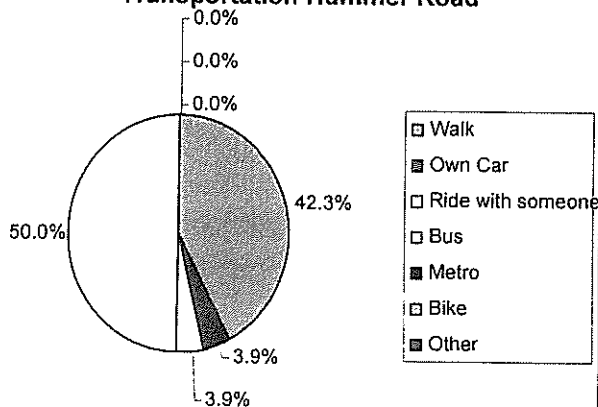
Transportation Culmore



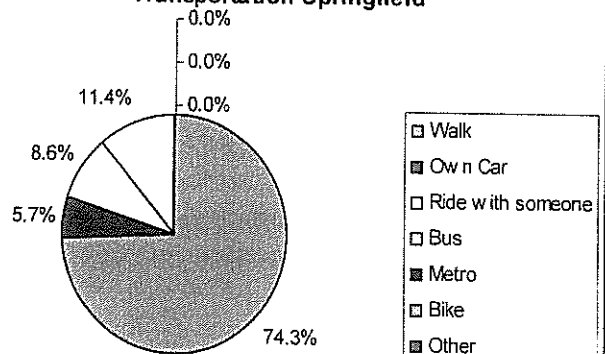
Transportation Herndon



Transportation Hummer Road

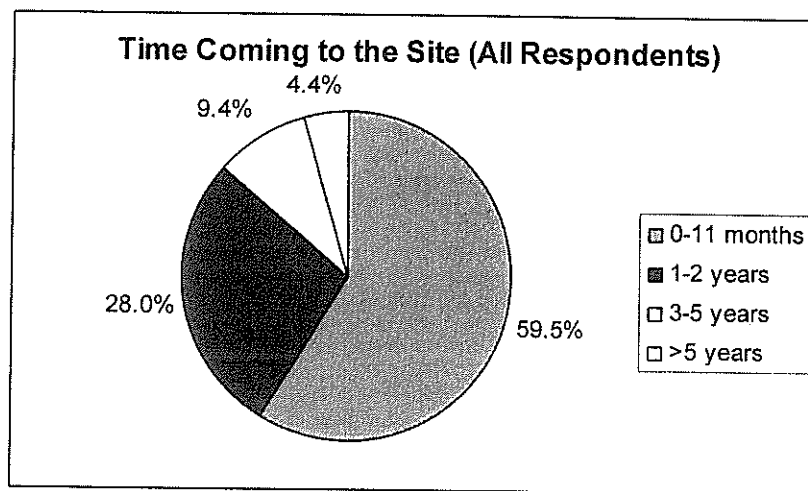


Transportation Springfield



4.3 Length of Time Using Site

Variations were found between sites in how long workers reported that they had been using the site. Some of this variation is due to the length of time that the location has existed as a day laborer site and some is due to the growth in the number of day laborers over time. Respondents were asked how long they had been coming to the site. Nearly 60 percent of the day laborers indicated that they had been coming to the site for less than one year, 28.0 percent had been coming one to two years, 9.4 percent had been coming three to five years, and 4.4 percent had been coming more than five years.



Culmore

- Respondents from the Culmore site were more likely to have reported using the site for a longer period of time. Six of the nine workers among all respondents who had been coming to a day laborer site for more than five years went to the Culmore site. Respondents at the Culmore site also had the smallest proportion reporting that they had used the site for less than one year (34.0 percent or 17 workers).

Herndon

- The Herndon location had the largest proportion of day laborers who had used the site for less than a year: three-quarters of respondents (75.8 percent). Only 14.5 percent reported using the site one to two years, and 9.7 percent more than three years.

Hummer Road and Springfield

- Respondents at the Hummer Road and Springfield sites reported similar data for length of time coming to the site. At Hummer Road, 55.7 percent of the day laborers have used the site for less than a year, 34.6 percent have used the site one to two years, and 9.6 percent have used the site for three or more years. In Springfield, 59.4 percent of the day laborers reported using the site for less than a year, 32.4 percent have used the site one to two years, and 8.1 percent have used the site for three or more years.

4.4 Employment Characteristics

Days per Week Seeking Employment

Respondents spend several days per week seeking work at day laborer sites. Almost three quarters of all of respondents (74.4 percent) come to the sites looking for employment 5 to 7 days per week. (See Table 3.) Among those that come to the site 5 to 7 days per week, one-seventh report working a second job. Another 17.1 percent spend between 3 to 4 days per week looking for work at the sites, while only 8.5 percent come to the site 1 to 2 days per week. Of the 15 respondents that reported coming to the site 1 to 2 days per week, three quarters hold another job. Because Culmore was the only site where some of the interviews were conducted on a Saturday, this may explain the higher percent of respondents coming to that site only 1 to 2 days per week. (See Table 3)

TABLE 3.
Days per Week of Seeking Employment, by Site

Days Seeking Work	Culmore	Herndon	Hummer Road	Springfield	All Respondents
1 to 2 days	16.0%	4.8%	7.8%	5.6%	8.5%
3 to 4 days	18.0%	17.7%	17.7%	13.9%	17.1%
5 to 7 days	66.0%	77.4%	74.5%	80.6%	74.4%

Source: Department of Systems Management for Human Services.

Daily Hours of Work Obtained

Over two-thirds of all respondents (67.8 percent) reported that they obtained 5 to 8 hours of work per day; another 27.6 percent of all of respondents reported obtaining 9 to 13 hours of work per day. (See Table 4.) Day labor work is not the only employment respondents report having; 23.7 percent of all respondents stated that they worked at another non-day labor job.

TABLE 4
Daily Hours of Work Obtained, by Site

Hours of Work	Culmore	Herndon	Hummer Road	Springfield	All Respondents
Less than 5 Hours	4.0%	1.6%	3.9%	2.9%	3.0%
5 to 8 Hours	78.0%	67.7%	69.2%	51.4%	67.8%
9 to 13 Hours	18.0%	30.7%	25.0%	40.0%	27.6%
More than 13 Hours	0.0%	0.0%	1.9%	5.7%	1.5%

Source: Department of Systems Management for Human Services.

Typical Hourly Salary

The majority of respondents indicated that wages varied depending on the type of work performed and the season of the year. Most day laborers report earnings above the minimum wage. Only 6.1 percent of respondents reported making less than \$6.99 per hour, while almost two-thirds reported earnings of \$7 to \$9.99 per hour, and 27.8 percent reported making \$10 to \$14.99 per hour. (See Table 5.)

TABLE 5.
Typical Hourly Salary during the Previous Year, by Site

Hourly Wage	Culmore	Herndon	Hummer Road	Springfield	All Respondents
Less than \$5.00	0.0%	0.0%	0.0%	6.1%	1.1%
\$5.00 to \$6.99	4.6%	1.8%	6.3%	9.1%	5.0%
\$7.00 to \$9.99	56.8%	72.7%	62.5%	66.7%	65.0%
\$10.00 to \$14.99	36.4%	25.5%	29.2%	18.2%	27.8%
\$15.00 to \$19.99	2.3%	0.0%	2.1%	0.0%	1.1%

Source: Department of Systems Management for Human Services.

There are no statistically significant relationships between average hourly earnings and how long the respondents have lived in the U.S., the length of time they have been coming to the site, or the number of days that they look for work.

Type of Work Performed

Most respondents perform several different types of work. Fifty-nine percent report having done four or more types of tasks at work. Only 12.1 percent reported performing a single job. Day labor work may be a stepping stone to gaining experience and skills. Some respondents indicated during the interview that they were willing to perform almost any job offered to them, which may indicate that work is frequently difficult to obtain for those in the day labor market. (See Table 6.)

Type of Employers

Day laborers were asked about their employers. The majority of day laborers interviewed indicated that they had more than one type of employer. Ninety percent said yes to working for contractors, 61 percent said yes to working with home owners, 21 percent said yes to working for other day laborers, and less than 1 percent said yes to working for other types of employers.

TABLE 6.
Types of Jobs Reported most Frequently

Type of Job	Freq.	Percent
Construction	165	83.3%
Landscaping	138	69.7%
Painting	120	60.6%
Janitor/Cleaning Service	115	58.1%
Carpentry	100	50.5%
Plumbing	47	23.7%
Electrical	28	14.1%
Other jobs	33	16.7%
Source: Department of Systems Management for Human Services.		

4.5 Permanent Employment and Barriers to Obtaining Permanent Employment

The majority of respondents (85.8 percent) reported they would prefer to have permanent employment rather than day labor work; 12.1 percent of respondents reported already having some form of permanent employment. Only 2.1 percent of respondents reported that they did want permanent employment.

Those respondents who reported a preference for permanent employment were asked about barriers they may have encountered while trying to find full-time work. As shown in table 7, the most frequently reported barriers included lack of documents (84.7 percent), lack of English proficiency (88.3 percent), lack of transportation (79.1 percent), and lack of available permanent employment (61.4 percent).

TABLE 7.
Barriers to Permanent Employment

	Freq.	Percent
Lack of documents	143	85.1%
Lack of English proficiency	149	88.7%
Pay rate is too low	91	54.2%
No available permanent work	103	61.3%
No specific job skills	69	41.1%
Racial discrimination	60	35.7%
Problems with employer	41	24.4%
No transportation	134	79.8%
I don't know how to find permanent employment	78	46.4%
Other reasons/Don't know	6	3.6%

Source: Department of Systems Management for Human Services.

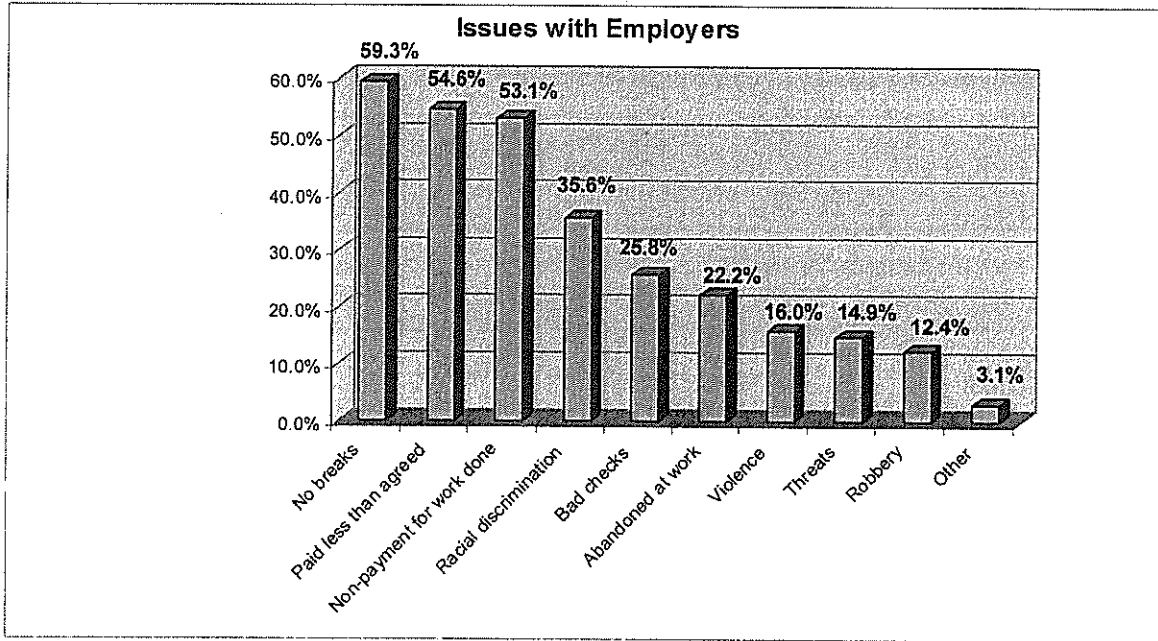
4.6 Problems with Employers

Respondents were asked to provide information about problems encountered with employers. The majority of the respondents (84.0 percent) listed having one or more problems with their employers. The problems reported most frequently included not receiving any time for breaks (59.3 percent), payment less than that which was agreed upon (54.6 percent), and non-payment for work performed (53.1 percent). No respondents reported experiencing all of the problems listed. No correlation was found among the length of time living in the United States and having issues with employers. (See Table 8.)

TABLE 8.
Problems with Employers

Problem	Frequency	Percent
No breaks	115	59.3%
Paid less than agreed	106	54.6%
Non-payment for work done	103	53.1%
Racial discrimination	69	35.6%
Bad checks	50	25.8%
Abandoned at work	43	22.2%
Violence	31	16.0%
Threats	29	14.9%
Robbery	24	12.4%
Other	6	3.1%

Source: Department of Systems Management for Human Services.



5. AREAS FOR FURTHER RESEARCH

The Day Laborer Survey provides a wealth of information about the characteristics of day laborers in Fairfax County. The findings of this study provide policy makers with valuable insights and facts about the day laborer population in Fairfax County. As a next step, the information obtained by this study should be combined with information from other sources to investigate how day laborer sites form and to determine whether the formation of new sites can be predicted. The ability to anticipate where future day laborer sites may form would provide policy makers with a valuable tool to use for policy and decision making.

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ⁱ Valenzuela, Abel Jr. and Edwin Meléndez. April 11, 2003. *Day Labor in New York: Findings from the NYDL Survey*. University of California, Los Angeles: Center for the Study of Urban Poverty, Institute for Social Science Research.

ⁱⁱ GAO Report: *Labor's Efforts to Enforce Protections for Day Laborers Could Benefit From Better Data and Guidance*. United States General Accounting Office, Report to the Hon. Luis V. Gutierrez, U.S. House of Representatives. (September 2002).

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Department of Systems
Management for Human Services

Appendix 1

Day Labor Survey and Survey Results

Day Laborer Survey

To be completed by person conducting survey.

Name of person conducting survey: _____

Agency: _____

Day laborer site where survey was administered:

☐ Culmore ☐ Hummer Road (Annandale)
☐ Herndon (Alabama Drive & Elden St) ☐ Springfield

Time of day survey was administered: _____ **a.m.**

Hello. My name is _____ and I am employed by Fairfax County/ am a Fairfax County employee.

FILTER QUESTION TO EXCLUDE PREVIOUS RESPONDENTS

In the previous 30 days, has anyone conducted a survey with you about your experiences as a day laborer?

If YES: thank respondent and proceed with next respondent.

If NO: proceed with survey.

Fairfax County is currently conducting a survey on the experiences of day laborers in this County. The answers to these questions will be part of a larger report and will help Fairfax County to better know the needs of its residents. The answers you give us will be kept confidential, and we will not ask you for your name. The survey should take approximately 15-20 minutes to complete. Would you please help us by answering some questions?

Thank you.

Day Laborer Survey

Part I. Day Laborer Site Information

First, we would like to ask you a few questions about the places where you go to find work as day laborer.

1. How long have you been coming to this place to look for work as a day laborer?

	Freq.	Percent (n=201)
Less than 6 months	88	43.8%
6 – 11 months	27	13.4%
1 – 2 years	58	28.9%
3 – 5 years	19	9.5%
More than 5 years	9	4.5%

2. During the past year, have you ever gone to other locations to look for work as a day laborer?
(Choose all that apply.)

	Freq.	Percent (n=59)
Culmore	13	22.0%
Herndon (Alabama Drive & Elden St)	0	0.0%
Hummer Road (Annandale)	13	22.0%
Springfield	9	15.3%
Other Site:	32	54.2%

3. How many days each week do you usually come to **this place** looking for work as a day laborer?

	Freq.	Percent (n=199)
1 – 2 days	17	8.5%
3 – 4 days	34	17.1%
5 – 7 days	148	74.4%

4. On average, how many hours of work do you obtain daily when you come here to look for work?

	Freq.	Percent (n=199)
Less than 5 hours	6	3.0%
5 – 8 hours	135	67.8%
9 – 13 hours	55	27.6%
More than 13 hours	3	1.5%

5. What means of transportation do you **most** use to come here to look for work?

	Freq.	Percent (n=199)
Walk	137	68.8%
Own car	15	7.5%
Ride with someone else	6	3.0%
Bus	39	19.6%
Metro	2	1.0%
Bike	0	0.0%
Other	0	0.0%

6. How far (in miles) do you live from this site?

	Site	Average Distance (n=191)
Distance in Miles	Culmore	1.7 miles
	Herndon	1.7 miles
	Hummer Road	4.5 miles
	Springfield	1.1 miles
	All Respondents	2.4 miles

Part II. Types of Work

7. What jobs do you specialize in as a day laborer? Indicate ALL that apply.

	Freq.	Percent (n=198)
Construction	165	83.3%
Painting	120	60.6%
Landscaping	138	69.7%
Plumbing	47	23.7%
Carpentry	100	50.5%
Mechanic	14	7.1%
Janitor/Cleaning Service	115	58.1%
Electricity	28	14.1%
Other jobs (please, specify)	19	9.6%

8. In a typical week, what types of employers hire you the most? Mark all that apply.

	Freq.	Percent (n=196)
Contractor or company	176	89.8%
Individual homeowner	122	62.2%
Other day laborer	43	21.9%
Others	1	0.5%

Part III. Reasons for Working as a Day Laborer

The purpose of the following questions is to find out how long you have been working as a day laborer and if you would like to obtain permanent employment in other sectors although you might be performing the same tasks you are currently performing.

9. How long have you been working as a day laborer?

	Freq.	Percent (n=195)
Less than one year	89	45.6%
1 – 3 years	71	36.4%
4 – 10 years	26	13.3%
More than 10 years	9	4.6%

		Yes	No	I already have a permanent job
10. Would you prefer a permanent job with only one company instead of day laborer work? (n=190)	Freq.	163	4	23
	Percent	85.8%	2.1%	12.1%

If YES, what stops you from getting permanent employment?

	Freq.	Percent (n=168)
Lack of documents	143	85.1%
Lack of English proficiency	149	88.7%
Pay rate is too low	91	54.2%
No available permanent work	103	61.3%
No specific job skills	69	41.1%
Racial discrimination	60	35.7%
Problems with employer	41	24.4%
No transportation	134	79.8%
I don't know how to find permanent employment	78	46.4%
Other reasons	4	2.4%
Don't know	2	1.2%

Part IV. Problems Day Laborers May Experience

We would like to ask you a few questions about possible problems you personally might have experienced. Indicate all that apply.

11. In the past year, have you ever experienced any of the following problems from people who hired you to work? Mark all that apply. (n=194)

	Never		Sometimes		Frequently	
	Freq.	Percent	Freq.	Percent	Freq.	Percent
Non-payment for work done	89	45.9%	79	40.7%	24	12.4%
Paid less than agreed	87	44.8%	75	38.7%	31	16.0%
Bad checks	142	73.2%	41	21.1%	9	4.6%
Abandoned at work	147	75.8%	37	19.1%	6	3.1%
No breaks	75	38.7%	71	36.6%	44	22.7%
Violence	157	80.9%	26	13.4%	5	2.6%
Robbery	163	84.0%	23	11.9%	1	0.5%
Threats	161	83.0%	21	10.8%	8	4.1%
Racial discrimination	118	60.8%	57	29.4%	12	6.2%
Other	63	32.5%	2	1.0%	4	2.1%

12. In the past year, have you ever experienced more problems with any of the following things? Mark all that apply.

	Freq.	Percent (n=158)
Getting or renewing a driver's license	121	76.6%
Fear of authorities	77	48.7%
Opening bank account	75	47.5%
Obtaining housing	59	37.3%
Housing discrimination	33	20.9%

Part V. Earnings and Work Conditions of Day Laborers*We would like to obtain information regarding your earnings and labor conditions.***13. During the past year, what was your average hourly salary?**

	Freq.	Percent (n=180)
Less than \$5.00	2	1.1%
\$5.00 - \$6.99	9	5.0%
\$7.00 - \$9.99	117	65.0%
\$10.00 - \$14.99	50	27.8%
\$15.00 - \$19.99	2	1.1%
\$20.00 or More	0	0.0%

14. What is the minimum hourly wage in dollars that you are currently willing to accept for day laborer work?

	Culmore	\$9.96
	Herndon	\$9.88
Minimum Hourly Wage	Hummer Road	\$9.20
Willing to Accept	Springfield	\$9.27
	All Respondents	\$9.61

15. During the past year, how frequently were you able to negotiate your earnings?

	Freq.	Percent (n=191)
Never	50	26.2%
Occasionally	75	39.3%
Always	66	34.6%

16. Do you hold another job besides day labor work right now? (n=190)

Yes		No	
Freq.	Percent	Freq.	Percent
45	23.7%	145	76.3%

If YES: Weekly hours at other job?

	Freq.	Percent (n=45)
Less than 10 hours	3	6.7%
10-19 hours	3	6.7%
20-34 hours	7	15.6%
35 or more hours	32	71.1%

Part VI. Demographics

The purpose of the following questions is to obtain information regarding the day labor market and living arrangements in order to improve our knowledge. We would like to remind you that no personally identifiable information will be collected at any point.

17. How long have you lived in the United States?

	Freq.	Percent (n=191)
Less than 6 months	24	12.6%
7 - 11 months	27	14.1%
1 - 2 years	60	31.4%
3 - 5 years	48	25.1%
More than 5 years	32	16.8%

18. Would you like help obtaining any of the following things? Mark all that apply.

	Freq.	Percent		Freq.	(n=190) Percent
Finding a job	181	95.3%	Childcare	28	14.7%
Housing	145	76.3%	English classes	181	95.3%
Transportation	162	85.3%	Legal assistance	170	89.5%
Medical/Dental Attention	176	92.6%	Substance abuse treatment	28	14.7%
Food/Clothing	124	65.3%	Help obtaining a driver's license	159	83.7%
High school or formal education	158	83.2%	TANF/Temporary Assistance for Needy Families	57	30.0%
Food stamps	78	41.1%	Other	4	2.1%

19. Where will you sleep tonight?

	Freq.	Percent		Freq.	(n=190) Percent
My own house/apartment/trailer	17	8.9%	Other housing program	0	0.0%
Family/friends- I pay rent	171	90.0%	Outdoors/abandoned building/car	0	0.0%
Family/friends- I do NOT pay rent	2	1.1%	Other place:	0	0.0%
Motel	0	0.0%			
Shelter	0	0.0%			

Day Laborer Survey

Country	Frequency	Percentage
Africa	1	0.5%
Bolivia	4	2.1%
Chile	1	0.5%
Colombia	1	0.5%
El Salvador	50	26.3%
Guatemala	32	16.8%
Honduras	71	37.4%
Mexico	8	4.2%
Nicaragua	4	2.1%
Peru	18	9.5%

Zip code	City	Frequency	Percentage
20119	Catlett	1	0.6%
20164	Sterling	1	0.6%
20170	Herndon	56	32.7%
20176	Leesburg	1	0.6%
22003	Annandale	24	14.0%
22031	Fairfax	1	0.6%
22040	Falls Church	2	1.2%
22041	Falls Church	32	18.7%
22042	Falls Church	2	1.2%
22044	Falls Church	1	0.6%
22150	Springfield	35	20.5%
22185	Vienna	1	0.6%
22203	Arlington	1	0.6%
22204	Arlington	3	1.8%
22205	Arlington	1	0.6%
22213	Arlington	1	0.6%
22304	Alexandria	4	2.3%
22306	Alexandria	2	1.2%
22312	Alexandria	2	1.2%

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Department of Systems
Management for Human Services

Appendix 2

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Sample Comments from Day Laborers

Fairfax County Day Laborer Survey

*An account of Day Laborers in
Fairfax County*

**Question: Would you like to give us any other relevant information?
Any other comments or suggestions?**

NOTE: These comments were made by the day laborers and recorded by the interviewers at the time of the interview.

Sample Comments:

Assistance

- Help obtaining a place to stay and wait for work. We are here to work. The police doesn't let us stand here anymore, they scare away the contractors. Contractors received tickets just to be stopped on the street
- We want to obtain residence.
- I would like to have legal assistance for my green card.
- I need help to find medical assistance and help with green card
- If health dept could come to Alabama Drive to vaccinate the day laborers.
- Getting driver's license is very important for me. I need to get transportation to get my own food, find a better job, etc.
- I don't have any identification. I would like to be able to have a bank account, pay taxes and drive.
- I don't try to obtain a license. I know is almost impossible for people like me. I work hard to support my family in Peru, the police makes very difficult our work. The economy of the US would go down without people like me.
- I don't have a driver's license or a bank account. I am afraid of trying. I am only here for 3 years, after that I'll go back to Guatemala. I am afraid here, the police does not make easy to get work. There is always problems.

- I would like a place where we could go and peacefully stay, a planned site, like in MD.
- He would like to see more involvement from day laborers in organizing themselves so they can bring to the forefront the issues that affects them.

Employment

- The Contractors who hire us don't treat us right and don't pay us what we are promised.
- Permanent employment does not pay enough. I went to law school in Peru, I speak English well but I cannot make a living here. You dream all your life of coming to the US, you get here, and you realized that it does not matter where you are when you are poor. Poor people is treated bad anyway. It is very irresponsible of the government to force people to drive without a license. Can you tell the police to let us work in peace.
- A contractor run over me with his car. I was not hurt much, but destroyed my bike and I don't have any transportation now. I was afraid of reporting it. I am afraid of applying for a license again. I don't have a bank account.
- Lives with friends. Family lives in Pennsylvania. Contractor hired him & 4 others to go work to Tennessee for 4-5 months. 75% payment due at the end of the work. Contractor left workers in Tennessee without pay. Now the contractor says he will only pay remainder if they show him a green card. He had to send his family to Pennsylvania to live w/relatives because he is unable to support them. Laborer states contractor was aware before hiring them that they did not have a green card.
- There are people that come and do not pay what they have offered.
- A lot of contractors don't pay. Business owners don't want to see us around this area.
- I need to find a better job. I am sick and I would prefer to work full time and get medical insurance. I need also legal assistance to get paid by contractor who made me work 81 hrs.
- There is more work here than in Springfield. I come w/ some friends. I have a room to myself. I worked for a guy, he never paid me. I did not want problems, so I let go. I did not want the police involved. I don't get work always, just half the time. In the winter is difficult to get work. I also work for a lady, is not permanent, she calls me when she has work.
- I didn't get paid for my work. I have called contractors and they always say I will pay you later but I have not being paid so far. I wish I could get legal assistance.
- I would prefer to find a job that is permanent.

- Sometimes contractors come and do not pay us for the work we do.
- Yesterday a contractor left him in Maryland.
- Contractors take advantage of us. I did not get paid for 60 hrs of work and there is nothing I could do about it.
- Worked and 5 others for a week w/out pay and the employer reported payment to the IRS so now he owes them money and does not know what to do. Has papers but feels he has no rights.

General Comments

- Every day it gets more difficult. Every day a new door closes. When we are in our countries we want to come here, but once here it is so hard that you think about going back. Rent does not forgive you. It doesn't matter whether you are or not documented now a days. They kick you out just the same, without a warning (the employers). There is not much work. The employers know that and take advantage. We are not even covered by the company's insurance when we have work accidents and get injured. A colleague fell down a scaffold and was injured. He had to pay \$400 out of pocket to the doctor. The employer look away the paperwork the doctor gave him so he could not go to a lawyer and seek compensation.
- Lack of work makes me worry about the children I have in my country (Honduras)
- This survey is good. It is very nice here the economy is good. The only thing is that I am far away from my family and I will have to return to be with them.
- I am grateful for the work the county is doing.
- Share the room w/2 others. I need to work, with work I am happy even if it does not pay well
- I would like for whoever reads this to take into account that we are suffering out here and that we need a site to organize our efforts. Thanks to all the participants doing the survey.

Police

- Police and authorities need to understand that we come here to work. I'm glad that I am able to come here to look for work.
- The police does not let us stay and work. From 9 on, we have to leave. When contractors come after 9 the police gives them tickets. We want to work and they make it difficult.

- We would like the police to leave us alone.
- Police is very rude. People come here to work, we're not criminals

Transportation

- Had a permanent job, lost it because of transportation.
- Impossible to obtain a license, that limits the work options. Permanent jobs do not pay enough. I share a room w/ 3 other people. Rent is too high. Cannot open bank account.
- I would like to obtain a driver's license so I can buy a car and expand my work possibilities. Most people that comes here are skilled workers w/ a license is easier to obtain work. If I had a license I would not come here for work
- Cannot renew my license. I rent a chair in an apartment. The police come here all the time. They push the contractors away. If we could legally work, we would not be here. When you don't have papers, they take advantage pay you less and no benefits. Need 2 jobs to survive. Winter is really hard. I have to support my family.
- I had a permanent job in G. Mason University but I had to quit due to personal problems. I don't like to come here, but I cannot find permanent work. I have papers but transportation is an issue. I prefer any kind of work permanent, even if it pays less.
- I never applied for a license, is too difficult. I don't want to try. I am tired of problems.
- Need help to get drivers license. Transportation is very important.